

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ANTHONY MEYERS,)	
)	
Petitioner,)	
)	
vs.)	
)	Case No. 1:13-cv-001713-JMS-TAB
WARDEN RIOS,)	
)	
Respondent.)	

Entry and Order Dismissing Action

I.

This is an action for a writ of habeas corpus brought by Anthony Meyers, a federal inmate confined in Missouri. Meyer’s habeas petition is before the Court for preliminary review pursuant to Rule 4 of the *Rules Governing § 2254 Cases in United States District Courts*, which provides that “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.” Rule 1(b) of those *Rules* gives this Court the authority to apply the rules to other habeas corpus cases, including this one.

Meyers’ habeas petition shows on its face that he is not entitled to the relief he seeks. This conclusion rests on the following facts and circumstances:

1. Meyers is not confined in this District and this Court has no jurisdiction over his custodian. This is significant because, for “habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).

2. Meyers seeks damages. This is significant because “damages are not an available habeas remedy.” *Nelson v. Campbell*, 541 U.S. 637, 646 (2004).

3. If Meyers challenges the fact or duration of his confinement, he must do so in the District of that confinement.

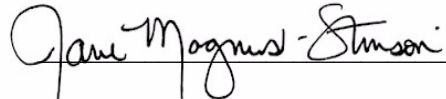
4. If Meyers does not challenge the fact or duration of his confinement, he must do so through some means other than an action for habeas corpus relief.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 12/11/2013

A handwritten signature in black ink, reading "Jane Magnus-Stinson", written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

Anthony Meyers
#40160-424
Springfield Medical Center
Inmate Mail/Parcels
P. O. Box 4000
Springfield, MO 65801